

University Fires Employee for Op-Ed Standing Against Gay Rights as Civil Rights

Alliance Defending Freedom and the Pacific Justice Institute have filed a brief with the U.S. Supreme Court that asks the court to review the case of a University of Toledo employee fired simply because she wrote an opinion column in her own personal name with a viewpoint that university officials didn't like.

The university fired Crystal Dixon, who works in the school's Human Resources department, after she wrote a short op-ed responding to a local newspaper's editorial that compared the efforts of homosexual activists to the black civil rights movement of the 1950s and 60s. As an African-American, Dixon respectfully disagreed with the paper's editorial. She did not mention her job at the university.

"Universities should be the marketplace of ideas, not environments where officials dictate conformity to their own views even outside of the campus," said Alliance Defending Freedom Senior Legal Counsel David Hacker. "Seventy years of legal precedent make it clear that government officials have no authority to rob public employees of their First Amendment freedom of speech outside of work on a non-work-related matter."

"University officials cannot mandate that all employees, in their personal capacities, have the same opinion as they do. This much is extremely clear in First Amendment law," added Alliance Defending Freedom Senior Counsel Kevin Theriot.

After the paper published Dixon's column, the university wrote its own in opposition to Dixon's point of view and then terminated her employment.

In 2006, the Supreme Court wrote, “It is well settled that ‘a State cannot condition public employment on a basis that infringes the employee’s constitutionally protected interest in freedom of expression.’” In a different case in 1995, the high court also wrote, “Even though respondents work for the Government, they have not relinquished ‘the First Amendment rights they would otherwise enjoy as citizens to comment on matters of public interest.’”

The brief filed with the Supreme Court in *Dixon v. University of Toledo* explains that the university “fired Dixon for writing the op-ed, because they deemed it not in ‘accord’ with the ‘values’ of the University of Toledo. They ignored that she wrote as a citizen and it was the university who publicly exposed her as an employee. In [the university’s] view, any public disagreement with the university’s values, even though those values were neither the subject of the original editorial nor Dixon’s op-ed, warranted Dixon’s dismissal from employment.”

When Dixon sued over her termination, the U.S. Court of Appeals for the 6th Circuit rejected her First Amendment claim because she was a public employee.

“In doing so, the Sixth Circuit ignored seventy years of precedent establishing that if ‘there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein,’” states the brief, which was filed together with Kevin Snider, chief counsel of Pacific Justice Institute and one of nearly 2,300 allied attorneys with Alliance Defending Freedom.

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